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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,333	12/12/2003	Abhinav Aggarwal		3776
59597 7590 12/02/2008 DR. ABHINAV AGGARWAL 100 SAINT AYERS WAY CHAPEL HILL, NC 27517				
EXAMINER KOPPIKAR, VIVEK D				
ART UNIT 3686		PAPER NUMBER		
MAIL DATE 12/02/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,333

Applicant(s)

AGGARWAL, ABHINAV

Examiner

VIVEK D. KOPPIKAR

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. Claims 16-30 have been examined in this application. This communication is a Final Office Action in response to the "Claims" and "Letter" filed on October 9, 2008.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear where the preamble of this claim ends and where the body of the claim begins. In addition the claim sets forth broad concepts (e.g retrieval process for human identification) without particularly pointing out the specific limitations in the invention which embody these concepts. For the purposes of examination, the Office will interpret Claim 1 to broadly encompass any human identification system that uses DNA technology.

Claims 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 depends from claim 1, however, Claim 1 has been cancelled so this dependency is improper. For the purposes of examination, the Office will interpret this claim to be an independent claim which is not dependent on any other claims.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "severe known allergies" is indefinite because reasonable minds can differ on what are "severe allergies." For the purposes of examination, the Office will interpret this limitation to encompass any allergy.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "vital medical information" is indefinite because reasonable minds can differ on what constitutes "vital medical information." For the purposes of examination, the Office will interpret this limitation to encompass any medical information.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 16, 24, 26 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent number 6,968,457 to Tam.

(A) As per claim 16, a system and method for issue of a universal identification number (UIN) to any human being that uniquely identifies that specific human being and acts as a cross-reference identifier for collection, storage, and retrieval of data related to that specific human being, and for monitoring and tracking (Tam: Col. 3, Ln. 4-12).

(B) As per claim 30, in Tam a DNA sample is obtained from the UIN applicant and stored securely by the UIN issuing and identity protection agency in a secure environment This DNA sample shall be released only in the case of the need to do so, upon appropriate request by a court of law under its authority and jurisdiction , in specific country that may normally be the residence nation of UIN holder, to settle matters related to identify fraud or eradication of terrorism. The DNA sample is referenced to the UIN (Tam: Col. 3, Ln. 4-12).

(C) As per claim 23, in Tam the data that is collected and makes the basis for issue of the UIN is divided in 3 sections, namely, Public, Health, and Confidential (Tam: Col. 3, Ln. 63-67).

(D) As per claim 28, in Tam the UIN holder shall be issued a UIN card that carried a UIN number, name of the UIN holder, picture of the UIN holder and a thumb impression for unique identification. Additional information that is vital for life saving purposes is printed on the inside of the card and is not visible from the outside. The UIN card is a folded card with

four visible surfaces that can hold data and information about the UIN holder. While two of the surfaces are covered in the inside fold, the two outer surfaces form the front and back of the card acting like an identification instrument and also a life saver by providing vital medical information about the holder on the inside in case of an emergency (Col. 1, Ln. 45-53; Col. 8, Ln. 31-46 and Ln.55-67).

(E) As per claim 29, in Tam the UIN works as part of an integrated system to protect frauds (Tam: Col. 1, Ln. 15-22 and Col. 2, Ln. 15-20).

(F) As per claim 30, in Tam a DNA sample is be obtained from the universal identification number applicant and stored securely by the universal identification number issuing and identity protection agency in a secure environment, and this DNA sample shall be released only in the case of the need to do so, upon appropriate request by a court of law under its authority and jurisdiction, in specific country that may normally be the residence nation of universal identification number holder, to settle legal issues and matters related to identity fraud, and the DNA sample is referenced to the universal identification number (Tam: Col. 2, Ln. 21-35 and Col. 3, Ln. 63-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tam, as applied to Claims 1, 8, 12 and 13-15 above, and in further view of Official Notice.

(A) As per claims 17-22 and 24-27, these claims recite means for generating a Unique Identification Number (UIN) using alphanumeric digits, characters, user names and the date of issue of the UIN. These claims also recite means of generating a UIN in case a particular UIN that has been generated is not available or is invalid. These claims also recite the length of characters a particular field can be and also restricting access to personal information based on the identity of the user or the group the user belongs to. Finally these claims recite that in order for a user to access confidential information they must first enter a combination of three keys. Tam does not recite these features, however, the Office takes Official Notice that these features are well known in the field of computer security and identity theft protection and password generation. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Tam with these aforementioned features with the motivation of having a readily available and efficient means of generating a password which could be remembered by a user while also ensuring that a field does not contain an indefinite amount of information and also ensuring that a user's vital data is protecting while still giving authorities, emergency and medical personnel a means to access a user's information if the need arises.

Response to Arguments

8. Applicant's arguments filed on October 9, 2008 with regards to the pending claims have been fully considered but they are not persuasive. The arguments will be addressed in sequential order as they were presented in the "Letter" filed on October 9, 2008.

(1) In response to applicant's argument that the Tam reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both the instant invention and the Tam reference solve the problem of identifying humans using biometric (e.g. DNA) samples and restrict access to data using alphanumeric passwords.

(2) Applicant argues that the Tam reference does not teach that the universal identification number (UIN) does not serve as a unique Global Cross-Reference Identifier because in the current application a UIN is issued only once to each holder or applicant. However, the Office would like to point out that this feature of the UIN being issued only once to each holder or applicant does not appear to be in any of the claims and therefore it cannot be given any patentable weight.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787. The fax telephone numbers for

this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

12. Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek D Koppikar /VDK/
Examiner, Art Unit 3686
12/1/2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686